

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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V.Z.,

Plaintiff,

**COMPLAINT**

-against-

THE ARCHDIOCESE OF NEW YORK, ST. FRANCES  
De CHANTAL ROMAN CATHOLIC CHURCH, and THE  
ROMAN CATHOLIC DIOCESE OF BURLINGTON,

Index No. \_\_\_\_\_

Defendants.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, V.Z., by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

**Introduction**

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when he was a minor, was sexually assaulted by Father Leo J. Courcy, a Priest and serial pedophile of the Diocese of Burlington, Vermont, and the Archdiocese of New York, assigned to St. Frances de Chantal Church in The Bronx.

**Parties, Jurisdiction and Venue**

1. Plaintiff V.Z. is a citizen and resident of the State of New York.
2. Defendant, Archdiocese of New York (hereafter, "AONY" or the "Archdiocese of New York"), is a religious institution and organization with principal offices located at 190 Hollywood Avenue, Bronx, New York. The Archdiocese of New York controls all Catholic religious, pastoral and educational functions in the boroughs of Manhattan, Bronx and Staten

Island, and in other counties in the greater New York metropolitan area. The Archdiocese operates and controls approximately 370 parishes, 274 schools and 90 Catholic charities. The Archdiocese is a citizen and resident of the State of New York.

3. Defendant, Sr. Frances de Chantal Roman Catholic Church is a Catholic parish and church located in The Bronx, New York. The parish has a school, known as the St. Frances de Chantal School. (Hereafter the parish and school are collectively referred to as “St. Frances de Chantal” or the “Church”). At all relevant times, St. Frances de Chantal was owned, controlled and operated by the Archdiocese of New York.

4. Defendant, Roman Catholic Diocese of Burlington (hereafter, the “Diocese” or the “Diocese of Burlington”), is a religious institution and organization with principal offices located at 55 Joy Drive, South Burlington, Vermont. The Diocese of Burlington controls all Catholic religious, pastoral and educational functions for the entire state of Vermont. The Diocese operates and controls approximately 72 parishes and 14 schools.

5. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

6. Personal jurisdiction lies over Defendants as they are present and domiciled in the State of New York.

7. Venue of this action lies in New York County as the Defendant has its principal place of business in New York County.

#### **Father Leo J. Courcy, Jr.’s History of Child Sexual Abuse**

8. Leo J. Courcy, Jr. entered seminary in or about 1956 and was ordained as a Priest by the Diocese of Burlington in May 1962.

9. Father "Leo" Courcy was a serial pedophile who sexually abused numerous boys in his tenure as a Priest.

10. Father Courcy served as a Priest in parishes of the Diocese of Burlington from approximately 1962 to February 1965. Upon information and belief, in this time frame the Diocese of Burlington received one or more credible allegations of child sexual abuse by Father Courcy, causing Father Courcy to be placed on an extended leave of absence for approximately one year.

11. Father Courcy returned to active duty and assignments within the Diocese of Burlington, from approximately February, 1966 to December, 1966. Upon information and belief, one or more credible allegations of sexual abuse were again made against Father Courcy in this time frame. In response, the Diocese sent Father Courcy to Jemez Springs, New Mexico, where a Catholic Order known as the Servants of the Paraclete operated a "treatment" center for pedophile priests.

12. Upon information and belief, Father Courcy was treated at the Servants of the Paraclete facility for pedophilia and stayed in New Mexico from approximately January, 1967 to June, 1970. During this time, Father Courcy sexually abused boys as a Priest in New Mexico, on assignments from the Diocese of Santa Fe.

13. After a brief stint serving as a Priest in Amarillo, Texas, Father Courcy returned to active assignments in parishes in the Diocese of Burlington, in or about January, 1971. At this point, the Diocese of Burlington knew with substantial certainty that Father Courcy would engage in child sexual abuse in his assignments as a Priest. Yet the Diocese kept his history of pedophilia in secrecy and maintained his faculties to actively serve as a Priest ministering to families and children.

14. Upon information and belief, the Diocese of Burlington transferred and reassigned Father Courcy to the AONY in or about the late 1970s. At all relevant times when Father Courcy was serving in assignments in the AONY he remained under the supervision and control of the Diocese of Burlington.

15. Upon information and belief, the AONY granted Father Courcy authority and/or faculties to minister and perform the duties of a Priest within the AONY. The AONY assigned Father Courcy to parishes within the AONY. It did so, upon information and belief, knowing of his history of sexually abusing children, including his stint at the pedophilia facility of the Servants of the Paraclete. His assignments included St. Frances de Chantal Church.

16. Upon information and belief, Father Courcy's faculties to minister in the Catholic Church were revoked by the Diocese of Burlington and/or the AONY in or about February 1993, after one or additional credible allegations of child sexual abuse had been made against Father Courcy.

17. Upon information and belief, at all relevant times, the Archdiocese of New York, the Church and the Diocese of Burlington knew or in the exercise of reasonable care should have known that Father Courcy had a propensity for the conduct which caused injury to Plaintiff, in particular, that he had a propensity to engage in the sexual abuse of children.

18. At all relevant times, it was reasonably foreseeable to the Archdiocese of New York, Diocese of Burlington and the Church that Father Courcy would commit acts of child sexual abuse or assault on children.

19. At all relevant times, the AONY, the Diocese and the Church knew or should have known that Father Courcy was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his ministry, counsel, care and/or protection.

20. With such actual or constructive knowledge, the AONY's, Diocese's and Church's acts and omissions provided Father Courcy with the opportunity to commit foreseeable acts of child sexual abuse or assault on Plaintiff.

**Father Courcy's Sexual Assaults of Plaintiff**

21. Plaintiff was raised in a devout Catholic family. In the mid 1980's, he attended St. Frances de Chantal. Father "Leo," as Plaintiff knew him, groomed Plaintiff and his mother and gained their trust. Plaintiff's parents were going through a difficult divorce, Plaintiff's mother was an alcoholic, and Father "Leo" would come to Plaintiff's house in the evening for pastoral counseling of Plaintiff's mother.

22. Father Leo would ask Plaintiff's mother to stay overnight. On these overnight stays, Father Leo sexually assaulted Plaintiff. For example, during the night he would fondle Plaintiff's genitalia while he laid in bed and masturbate himself to ejaculation on Plaintiff. Father Leo's sexual abuse of Plaintiff occurred on multiple occasion, when Plaintiff was 11 – 12 years old.

**Diocese's Concealment of Acts of Sexual Abuse by Priests**

23. The Bishop of the Archdiocese and the Diocese at all relevant times knew that Priests of the Archdiocese and Diocese, under their supervision and control, were grooming and sexually molesting children with whom the Priests would have contact in their ministry and pastoral functions. At all relevant times, the Bishops knew that this was a widespread, ubiquitous and systemic problem in the Archdiocese and Diocese, involving many Priests and numerous victims.

24. In or about November of 2018, the Diocese released a list of 40 Priests of the Diocese, acknowledging what it deemed credible allegations of child sexual abuse that had been

made against the listed Priests. These Priests are acknowledged to have abused children within the Diocese of Burlington over decades. The list includes the name of Leo J. Courcy, Jr., and states that he was laicized, *i.e.*, removed from the priesthood, in 2009 by Bishop Salvatore Matano and Pope Benedict XVI.

25. Despite receiving credible allegations of child sexual abuse against Priests, the Archdiocese and Diocese acted to conceal these allegations in an effort to avoid scandal and accountability.

26. This concealment was in accordance with a policy of the Diocese, as agent, and the Holy See, as principal. In 1922, the Holy See released a confidential document to its Bishops and other officials of Catholic organizations regarding the handling of cases of solicitation of sex in the confessional. This document mandated a specific procedure for Holy See's agents, including the Bishop of the Diocese, to use when a cleric abused children using the confessional. This document required strict secrecy. The 1922 document showed that the Holy See and its agents were fully aware that there was a systemic problem of clergy sexually molesting children using the confessional.

27. In 1962, the Holy See released the confidential document, *Instruction on The Manner of Proceeding in Cases of Solicitation* (The Vatican Press, 1962) (hereinafter referred to as "*Crimen Sollicitationis*"). The heading of the document states, "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite,'" and contains specific instructions regarding the handling of child sex abuse by clergy. According to the document itself, it is an "instruction, ordering upon those to whom it pertains to keep and observe it in the minutest detail." *Crimen Sollicitationis* at paragraph 24.

28. The 1962 document reinforced that the Holy See and its agents to whom the documents was directed had knowledge that there was a systemic problem of Catholic clergy sexually molesting children using the confessional.

29. At the same time, the Holy See was involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962-63, Fr. Gerald Fitzgerald reported to the Pope on the problem of abuse of children by clergy and expressed concerns if these priests were returned to active duty.

30. Fr. Fitzgerald's reports were kept secret under the Holy See's standing policy to avoid scandal at all costs. Its recommendation was ignored, however, and instead the Holy See made a choice to return known offending priests to active duty. At this point, it is clear that the Holy See and its agents, including the Diocese, knew they had a widespread problem of clergy sexually molesting minors, and they participated in the creation and the operation of facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

31. The Holy See's policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation of child sexual abuse created a shroud of secrecy insulating Priests from consequence. Through this policy and others, the Holy See and its agents, including the Diocese, knowingly allowed, permitted and encouraged child sex abuse by the Diocese's Priests.

32. The Holy See mandates secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for child sexual abuse include an order to move offending priests to other locations once they have been determined to be "delinquent." In response to allegations, the document mandates that supplementary penalties include: "As often

as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining in a certain place.” *Crimen Sollicitations* at paragraph 64. Under this policy of secrecy and transfers or reassignments, all involved are threatened with excommunication and, thus, damnation, if they do not comply.

33. The policy of secrecy and the severest of penalties for its violation were reiterated in documents issued by officials of the Holy See for the benefit of its agents, including the Bishop of the Diocese, in 1988 and 2001.

34. The policies and practices of the Diocese designed to conceal sexual abuse by clergy and protect it from scandal and liability included the following:

- (a) transfer and reassignment of clergy known or suspected to abuse minors to deflect attention from reports or allegations of child sexual abuse;
- (b) concealing from parishioners and even other clergy that a priest reassigned to their parish posed a danger of sexual abuse to children;
- (c) failing to alert parishioners from the Priest’s prior assignments that their children were exposed to a known or suspected child molester;
- (d) failing to report sexual abuse to criminal authorities; and
- (e) otherwise protecting and fostering the interests of abusive clergy to the detriment of the victims and the community, for the purpose of avoiding scandal and public scrutiny.

35. Upon information and belief, the Diocese’s transfers and reassignments of Father Courcy were pursuant to this policy and practice designed to conceal sexual abuse of clergy and protect the Diocese from scandal.



36. Indeed, the policy of secrecy and lack of consequences for the sexual abuse of children was perceived as a perquisite by clergy sex abusers. The Holy See and Diocese believed it to be perceived as a perquisite, which it condoned and used to its advantage in controlling Priests.

37. Plaintiff was in a zone of foreseeable harm as a child engaged in Catholic activities in close proximity to or with Catholic clergy.

38. The Diocese was in the best position to protect against the risk of harm as it knew of the systemic problem and foreseeable proclivities of its Priests to sexually abuse children.

39. At all relevant times, while the Diocese had special and unique knowledge of the risk of child sexual abuse by its Priests, such Priests who would prey on children were outside the reasonable contemplation of the Catholic community and families who trusted Priests to have access to their children.

40. Plaintiff and his parents had no opportunity to protect Plaintiff against a danger that was solely within the knowledge of the Diocese.

41. Upon information and belief, the Diocese engaged in a plan and scheme pursuant to the Holy See's secrecy policies and practices to avoid discovery of Father Courcy's child sexual abuse and the Diocese's wrongful conduct which facilitated the sexual abuse of children.

42. The Diocese knew a significant percentage of Priests were using their status and position to identify, recruit, groom and sexually assault vulnerable children in the Church.

43. The Diocese concealed this knowledge and failed to adopt policies and procedures that would protect children and reduce the risk of child sexual abuse by its Priests.

44. All children engaging in Catholic activities within the Diocese were in this manner placed at risk of child sexual abuse.

45. The Diocese failed to warn Catholic families that their children were at risk of sexual abuse by Priests.

#### **Nature of Conduct Alleged**

46. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

47. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendant acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with [name of priest], to retain [name of priest] in ministry with unfettered access to children.

**COUNT I**  
**NEGLIGENCE**  
*(Against the AONY)*

48. Plaintiff V.Z. repeats and realleges Paragraphs 1 through 47 above.

49. At all material times, the AONY was in a special relationship with Plaintiff as a child parishioner with whom one of its Priests would have contacts in the course of his duties. Based on this special relationship, the Archdiocese owed Plaintiff a duty of reasonable care.

50. The AONY and Father Courcy were in a special relationship of employer-employee or principal-agent, when the AONY knew or should have known that Father Courcy posed a danger to children in his role as a Catholic Priest, and thus the AONY owed a duty to control Father Courcy to prevent foreseeable harm.

51. The AONY owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of the Plaintiff while he was under the care, custody or in the presence

of Father Courcy.

52. The AONY owed a duty to refrain from transferring or assigning Father Courcy to parishes within the AONY when it knew or should have known that he posed a danger to children in his duties and role as a Catholic Priest.

53. The AONY owed a duty to warn of the dangers posed to children of sexual abuse or assault by its Priests in general, and Father Courcy in particular. The AONY breached this duty in failing to warn its parishioners and the Catholic faithful.

54. The AONY owed a duty to warn of the dangers posed to children of sexual abuse or assault by Father Courcy.

55. The AONY breached the foregoing duties by hiring, retaining and failing to adequately supervise Father Courcy as a Priest, and giving him unfettered access to children.

56. The AONY breached these duties by assigning Father Courcy to St. Frances de Chantal, and by doing so without making any warning or notice of his proclivities for the sexual abuse of children.

57. At all relevant times, the AONY had inadequate policies and procedures to protect children who would encounter their Catholic Priests in the course of their duties.

58. As a direct and proximate result of the AONY's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

59. The AONY's acts and conduct shows a reckless or willful disregard for the safety and well-being of V.Z. and other children.

WHEREFORE, Plaintiff demands judgment against the AONY for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

**COUNT II**  
**NEGLIGENCE**

*(Against St. Frances de Chantal)*

60. Plaintiff repeats and realleges Paragraphs 1 through 47 above.

61. At all material times, St. Frances de Chantal and Plaintiff were in a special relationship of church – parishioner, in which St. Frances de Chantal owed Plaintiff a duty of reasonable care.

62. At all material times, St. Frances de Chantal and Father Courcy were in a special relationship of employer – employee or principal - agent, in which St. Frances de Chantal owed a duty to control the acts and conduct of Father Courcy to prevent foreseeable harm.

63. The Church owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of the Plaintiff while he was under the care, custody or in the presence of St. Frances de Chantal. The Church's duties encompassed the retention and supervision of Father Courcy and otherwise providing a safe environment for Plaintiff. The Church's duties further encompassed warning its parishioners of foreseeable harms from its clergy.

64. St. Frances de Chantal breached these duties by (i) giving Father Courcy access to families and children as a Priest; (ii) failing to warn parishioners, including Plaintiff and her mother, of the danger of child sexual abuse posed by Father Courcy; and (iii) failing to protect the minor V.Z. from sexual assault and lewd and lascivious acts committed by an agent and employee of the Church.

65. At all relevant times, the Church created an environment which fostered child sexual abuse against children it had a duty to protect, including Plaintiff.

66. At all relevant times, the Church had inadequate policies and procedures to protect children it was entrusted to care for and protect, including Plaintiff.

67. As a direct and proximate result of St. Frances de Chantal's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

68. The Church's acts and conduct shows a reckless or willful disregard for the safety and well-being of V.Z.

WHEREFORE, Plaintiff demands judgment against the Church for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

**COUNT III**  
**NEGLIGENCE**  
*(Against Diocese of Burlington)*

69. Plaintiff V.Z. repeats and realleges Paragraphs 1 through 47 above.

70. The Diocese and Father Courcy were in a special relationship of employer – employee, when the Diocese knew or should have known that Father Courcy posed a risk of harm to children in his role as a Catholic Priest, and thus the Diocese owed a duty to control Father Courcy to prevent foreseeable harm.

71. The Diocese owed a duty to refrain from transferring or reassigning Father Courcy when it knew or should have known that he posed a danger to children in his duties and role as a Catholic Priest.

72. The Diocese owed a duty to warn of the dangers posed to children who would have contact with Father Courcy as a Priest of the grave risk of sexual abuse or assault by Father Courcy.

73. Upon information and belief, the Diocese breach its duties when it endorsed or approved Father Courcy for assignment within the AONY knowing of the danger that he would sexually abuse children.

74. The Diocese breached its duties in retaining Father Courcy as an active Priest.
75. At all relevant times, the Diocese had inadequate policies and procedures to protect children from pedophile Priests under its supervision and control, including Father Courcy.
76. The Diocese's acts and conduct shows a reckless or willful disregard for the safety and well-being of V.Z. and other children.

WHEREFORE, Plaintiff demands judgment against the Diocese for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this action.

Dated: New York, New York  
September 27, 2019

Respectfully submitted,

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By: \_\_\_\_\_

  
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